

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**U.S. SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

vs.

KIK INTERACTIVE INC.

Defendant.

Case No. 19-cv-5244 (AKH)

**DECLARATION OF LAURA D'ALLAIRD IN SUPPORT OF
PLAINTIFF U.S. SECURITIES AND EXCHANGE COMMISSION'S
MOTION FOR SUMMARY JUDGMENT**

I, Laura D'Allaird, pursuant to 28 U.S.C. § 1746, do hereby declare as follows:

1. I am a member of the bar of the State of New York, and I am admitted to practice *pro hac vice* in the above-captioned action. I am employed by Plaintiff United States Securities and Exchange Commission (the "SEC") in the SEC's headquarters office in Washington, D.C. as Senior Counsel in the Division of Enforcement.

2. I have personal knowledge of the facts and circumstances of this case. As counsel representing the SEC, I reviewed information and documents obtained by the SEC during its investigation and litigation of this matter, including documents described herein, and information provided to me by members of the SEC staff.

3. I am submitting this Declaration to put forth exhibits in support of the SEC's motion for summary judgment against Defendant Kik Interactive Inc.

4. Attached hereto are true and correct copies of the following documents or excerpts thereof:

<u>Exhibit</u>	<u>Document Description</u>	<u>Bates</u>
SEC1	Kik's Responses to the SEC's Investigative Requests for Admission, dated September 17, 2018	N/A
SEC2	Kik's Responses to the SEC's Rule 36 Requests for Admission, dated October 7, 2019	N/A
SEC3	Transcript of Erin Clift Investigative Testimony, dated July 26, 2018	N/A
SEC4	Transcript of Peter Heinke Deposition Testimony, dated November 22, 2019	N/A
SEC5	Transcript of Eileen Lyon Investigative Testimony, dated August 30, 2018	N/A
SEC6	Transcript of Rule 30(b)(6) Deposition Testimony of Kik Interactive Inc., dated February 5, 2020	N/A
SEC7	Deposition Exhibit 264	N/A
SEC8	Transcript of Ted Livingston Investigative Testimony, dated November 7 & 8, 2018	N/A
SEC9	Transcript of Paul Holland Investigative Testimony, dated June 15, 2018	N/A
SEC10	Deposition Exhibits 21 & 22, Transcript of Peter Heinke Investigative Testimony, dated September 21 & 22, 2018	N/A
SEC11	Deposition Exhibit 26	KIK_00007193-229
SEC12	Deposition Exhibit 27	KIK_00007243-79
SEC13	Email Chain, dated February 1, 2017	KIK_FOUNDATION_CAP_001299-305
SEC14	Transcript of Tanner Philp Investigative Testimony, dated August 20 & 21, 2018	N/A
SEC15	Deposition Exhibit 28	KIK_FOUNDATION_CAP_005705-71
SEC16	Investigative Testimony Exhibit 150	USV0003712
SEC17	Transcript of Fred Wilson Investigative Testimony, dated September 5, 2018	N/A
SEC18	Deposition Exhibit 4	KIK_00026450-94
SEC19	Deposition Exhibit 36	KIK_00106784-835
SEC20	Dirk A. Zetsche, Ross P. Buckley, Douglas W. Arner, & Linus Föhr, <i>The ICO Gold Rush: It's a Scam, It's a Bubble, It's a Super Challenge for Regulators</i> , 60 Harv. Int'l L. J. 267, 288 (2019)	N/A
SEC21	Deposition Exhibit 133	MMLWM-00000145-62

SEC22	Transcript of William Mougayar Deposition Testimony, dated December 6, 2019	N/A
SEC23	Transcript of Daniel Morehead Investigative Testimony, dated September 14, 2018	N/A
SEC24	Investigative Testimony Exhibit 180	KIK_00100298
SEC25	Email Chain, dated February 28, 2017	KIK_00026563-64
SEC26	Investigative Testimony Exhibit 107	KIK_00026624-28
SEC27	Deposition Exhibit 6	COINFUND007691-747
SEC28	Deposition Exhibit 35	KIK_00106656-714
SEC29	Email Chain, dated April 26, 2017	USV0015937-38
SEC30	Deposition Exhibit 7	KIK_00106868-98
SEC31	Deposition Exhibit 12	KIK000001-28
SEC32	Investigative Testimony Exhibit 56	COINFUND006070-97
SEC33	Investigative Testimony Exhibit 84	KIK_00021417
SEC34	Deposition Exhibit 135	MMLWM-00000020-21
SEC35	November 12, 2019 Stipulation	N/A
SEC36-A	May 25, 2017 Token Summit Video	SEC-KIK-LIT-E-0000333
SEC36-B	Transcript of May 25, 2017 Token Summit Video	SEC-KIK-LIT-E-0000181-89
SEC37	Investigative Testimony Exhibit 200	N/A
SEC38	Investigative Testimony Exhibit 88	N/A
SEC39	Investigative Testimony Exhibit 202	KIK_00107736-63
SEC40	Transcript of Eran Ben-Ari Deposition Testimony, dated November 5, 2019	N/A
SEC41	Deposition Exhibit 2, Transcript of Eran Ben-Ari Investigative Testimony, dated October 23, 2018	N/A
SEC42	Transcript of Michael Hourigan Investigative Testimony, dated July 24, 2018	N/A
SEC43	Email, dated June 1, 2017	COINFUND012819-20

SEC44	Email, dated June 1, 2017	PANT-000000051-52
SEC45-A	June 20, 2017 TechCrunch Shenzhen Video	SEC-KIK-LIT-E-0000305
SEC45-B	June 20, 2017 TechCrunch Shenzhen Video Transcript	SEC-KIK-LIT-E-0000031-44
SEC46-A	June 27, 2017 An Evening with Ted Livingston Video	SEC-KIK-LIT-E-0000277
SEC46-B	June 27, 2017 An Evening with Ted Livingston Video Transcript	SEC-KIK-LIT-E-0000133-62
SEC46-C	June 27, 2017 An Evening with Ted Livingston Video Screen Capture	SEC-KIK-LIT-E-0000332
SEC47-A	August 1, 2017 Finance Magnates' Blockchain Podcast Video	SEC-KIK-LIT-E-0000272
SEC47-B	August 1, 2017 Finance Magnates' Blockchain Podcast Video Transcript	SEC-KIK-LIT-E-0000119-32
SEC47-C	August 1, 2017 Finance Magnates' Blockchain Podcast Video Screen Capture	SEC-KIK-LIT-E-0000271
SEC48-A	August 14, 2017 Fintech Canada: Bitcoin and Ethereum Summit Video	SEC-KIK-LIT-E-0000275
SEC48-B	August 14, 2017 Fintech Canada: Bitcoin and Ethereum Summit Video Transcript	SEC-KIK-LIT-E-0000077-90
SEC48-C	August 14, 2017 Fintech Canada: Bitcoin and Ethereum Summit Video Screen Capture	SEC-KIK-LIT-E-0000295
SEC49-A	September 7, 2017 New York City Ethereum Video	SEC-KIK-LIT-E-0002353
SEC49-B	September 7, 2017 New York City Ethereum Video Transcript	SEC-KIK-LIT-E-0002275-310
SEC49-C	September 7, 2017 New York City Ethereum Video Screen Capture	SEC-KIK-LIT-E-0002354
SEC50	Transcript of Harrison Wang Deposition Testimony, dated January 9, 2020	N/A
SEC51	Deposition Exhibit 52	KIK000066-72
SEC52	Deposition Exhibit 16	KIK000037-65
SEC53	Deposition Exhibit 40	N/A
SEC54	Email and attachment, dated June 1, 2017	KIK_00017702-05
SEC55	Email and attachment, dated June 1, 2017	KIK_00017698-701
SEC56	Investigative Testimony Exhibit 181	KIK_00113490-93
SEC57	Investigative Testimony Exhibit 133	N/A

SEC58-A	May 25, 2017 Promotional Video	SEC-KIK-LIT-E-0000339
SEC58-B	May 25, 2017 Promotional Video Transcript	SEC-KIK-LIT-E-0000248-53
SEC59-A	May 25, 2017 CNBC Interview Video	SEC-KIK-LIT-E-0002351
SEC59-B	May 25, 2017 CNBC Interview Transcript	SEC-KIK-LIT-E-0002269-74
SEC60	Email Chain, dated February 19, 2017	KIK_00024739-40
SEC61	Email Chain, dated July 6, 2017	DBP-SEC-KIN_0000070-71
SEC62	August 30, 2017 Twitter Screen Capture	KIK_00006919
SEC63	September 17, 2017 Reddit Screen Capture	KIK_00004467
SEC64	Letter from P. Gibbs to B. Mitchell, dated October 20, 2017 Letter	N/A
SEC65	Deposition Exhibit 230	KIK_00002665-66
SEC66	Kin Foundation Reddit Post, dated September 17, 2017	KIK_00045074-78
SEC67	Investigative Testimony Exhibit 93	N/A
SEC68	Deposition Exhibit 227	KIK_00045122
SEC69	Communitel News, "The Kin revolution, in Kik CEO Ted Livingston's own words," dated June 8, 2017	KIK_00007074-93
SEC70	Transcript of Jake Brukhman Investigative Testimony, dated July 11, 2018	N/A
SEC71	Investigative Exhibit 184	KIK_00002106-07
SEC72	Deposition Exhibit 105, Transcript of Alexander Rousmaniere Investigative Testimony, dated July 18, 2018	N/A
SEC73	Deposition Exhibit 229, Transcript of Harrison Wang Investigative Testimony, dated October 5, 2018	N/A
SEC74	Transcript of Jack Neil Deposition Testimony, dated January 28, 2020	N/A
SEC75	Transcript of Garrette Furo Investigative Testimony, dated July 12, 2018	N/A
SEC76	Deposition Exhibit 146	MMLWM-00000888
SEC77	Investigative Testimony Exhibit 75	SEC-PBDIGITAL-E-0000429

SEC78	Investigative Testimony Exhibit 49	KIK_00117728-30
SEC79	Investigative Testimony Exhibit 194	KIK_00103267
SEC80	Deposition Exhibit 76	KIK_00060737
SEC81	Investigative Testimony Exhibit 29	KIK_00078794-97
SEC82	Deposition Exhibit 150	MMLWM-00002606-14
SEC83	Deposition Exhibit 33	COINFUND020091; COINFUND019854-84
SEC84	Email, dated April 4, 2017	COINFUND000369-70
SEC85	Deposition Exhibit 53	KIK00118242-45
SEC86	Deposition Exhibit 67	KIK_00115681-86
SEC87	Kik's Second Amended Initial Disclosures, dated November 18, 2019	N/A
SEC88	DAO Report	N/A
SEC89	Transcript of Pat Chaukos Deposition Testimony, dated December 6, 2019	N/A
SEC90	Transcript of Ross McKee Deposition Testimony, dated December 10, 2019	N/A
SEC91	Investigative Testimony Exhibit 120	KIK_00025159-60
SEC92	Transcript of Alexander Rousmaniere Deposition Testimony, dated November 22, 2019	N/A
SEC93	Declaration of Brent Mitchell, dated March 20, 2020	N/A
SEC94	Deposition Exhibit 141	MMLWM-00000877-80
SEC95	Compilation of Emails, dated August 30, 2017	KIK_00019210-475
SEC96	Deposition Exhibit 55	N/A
SEC97	Investigative Testimony Exhibit 9	KIK000098-108
SEC98	Investigative Testimony Exhibit 185	KIK_00025985-89
SEC99	Investigative Testimony Exhibit 94	N/A
SEC100	Investigative Testimony Exhibit 95	N/A

SEC101	Deposition Exhibit 149	MMLWM-00001027-28
SEC102	Compilation Emails, dated September 26, 2017	KIK_00020141-50
SEC103	Deposition Exhibit 62	KIK001071-76

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Washington, D.C.
March 20, 2020

/s/ *Laura D'Allaird*
Laura D'Allaird

CERTIFICATE OF SERVICE

I certify that on March 20, 2020, I caused the foregoing to be filed using the Court's CM/ECF system, which will send a notification of such filing to each counsel of record.

/s/ *Laura D'Allaird*

Laura D'Allaird

Counsel for Plaintiff